



WEB COPY



WP(MD)No.16498 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.16498 of 2016

Srinivasan

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Adayar,
Chennai.

2.The District Registrar,
District Court Complex,
Tiruchirappalli.

3.K.Devaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the 2nd respondent to conduct enquiry as Circular No.67 dated 03.11.2011 issued by the 1st respondent and consequently cancel the document No.5519 of 1997 dated 04.12.1997 on the file of the Sub-Registrar, Srirangam by considering the representation dated 12.09.2015.



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For Petitioner : Mr.P.Arunjayatram
For Respondent : Mr.Siddharthan,
Nos.1 and 2 Additional Government Pleader
For Respondent : Mr.B.Jameel Arasu
No.3

ORDER

The petitioner filed this writ petition for a mandamus directing the 2nd respondent to consider his representation dated 03.11.2011 and to cancel the document No.5519 of 1997.

2.The Inspector General of Registration vide his proceedings in letter No.41530/u1/2017 dated 20.10.2017 has withdrawn the Circular No.67 and the District Registrars were also informed to return the petitions received under Circular No.67, subsequent to the decision of Hon'ble Supreme Court in **Satya Pal Anand v. State of M.P., [(2016) 10 SCC 767]**. In the said decision, the Hon'ble Supreme Court has held that the power to cancel the registration is a substantive matter and in the absence of any express provision on that behalf, it is not open to assume that the Registering Officer would be competent to cancel the registration of the documents in question.



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3. Thereafter, for cancellation of registered documents, the State of Tamil Nadu brought an amendment to the Registration Act vide the Registration (Tamil Nadu Second Amendment) Act, 2021. By this amendment, Sections 22B, 77A, 77B, 81A and 81B were inserted in the Registration Act. Section 77A provides the power to the Registrar to cancel the registered documents, if found to be fraudulent. However, this Court in ***S.M. Hajabakruthen v. The Inspector General of Registration [W.P.(MD)Nos.14546 of 2022, etc., batch dated 27.03.2023]*** has referred the issue regarding the applicability of Section 77A of the Act to the documents that were registered prior to its enactment, for consideration by a Larger Bench of this Court.

4. In view of the above position, this writ petition is disposed with a liberty to the petitioner to approach the competent civil Court to redress his grievance. If any suit is filed by the petitioner, the same shall be entertained by the civil Court by excluding the period for which this writ petition was pending before this Court for the purpose of calculating the limitation period. Liberty is also



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granted to the writ petitioner to invoke Section 77A of the Act upon the outcome of the reference made. There shall be no order as to costs.

22.06.2023

dsk

To

- 1.The Inspector General of Registration,
Santhome High Road,
Adayar,
Chennai.
- 2.The District Registrar,
District Court Complex,
Tiruchirappalli.



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B. PUGALENDHI, J.

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